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Rules, Regulations, Orders

TITLE 7—AGRICULTURE

CHAPTER VII—AGRICULTURAL ADJUSTMENT ADMINISTRATION

[ACF–1940–Puerto Rico–1]

PART 704—1940 AGRICULTURAL CONSERVATION PROGRAM BULLETIN—PUERTO RICO

SUPPLEMENT NO. 1

Pursuant to the authority vested in the Secretary of Agriculture under sections 7 to 17, inclusive, of the Soil Conservation and Domestic Allotment Act, as amended, the 1940 Agricultural Conservation Program Bulletin—Puerto Rico,[1] issued April 3, 1940, is hereby amended as follows:

(1) Section 704.102 (a) is amended to read as follows:

(a) *State allotment.* The State allotment of tobacco for Puerto Rico shall be 30,000 acres.

(2) Section 704.102 (c) is amended to read as follows:

(c) *Payment in connection with tobacco acreage allotment.* Payment will be made with respect to any farm at the rate of $12.00 for each acre in the tobacco acreage allotment established for the farm.

(3) Section 704.102 (d) is amended to read as follows:

(d) *Deduction for excess tobacco acreage.* The payment computed for any farm under sections 704.101 and 704.102 shall be subject to a deduction of $60.00 for each acre planted to tobacco on the farm in the 1940–41 tobacco season in excess of the tobacco acreage allotment established for the farm.

Done at Washington, D. C., this 21st day of August 1940. Witness my hand and the seal of the Department of Agriculture.

[SEAL] H. A. WALLACE,
Secretary of Agriculture.

[F. R. Doc. 40–3505; Filed, August 22, 1940; 9:49 a. m.]

[1] 5 F.R. 1307.

TITLE 9—ANIMALS AND ANIMAL PRODUCTS

CHAPTER I—BUREAU OF ANIMAL INDUSTRY

[Amendment 46, Declaration 12 [1]]

ORDER DECLARING NAMES OF COUNTIES PLACED IN MODIFIED TUBERCULOSIS-FREE ACCREDITED AREAS.

1. In accordance with the provisions of § 77.3, Chapter I, Title 9, Code of Federal Regulations, (section 2, Regulation 7, B.A.I. Order 309, as amended), the following county is hereby declared to be a modified accredited area until the date given opposite the name of such county:

California: Fresno, August 1, 1943.

2. In accordance with the provisions of Section 77.3, Chapter I, Title 9, Code of Federal Regulations, (Section 2, Regulation 7, B.A.I. Order 309, as amended), the following counties, having completed the necessary retests for reaccreditation, are hereby continued in the status of modified accredited areas until the date given in each paragraph:

California. Amador, Eldorado, Yuba, August 1, 1943.
Colorado. Clear Creek, Gilpin, August 1, 1943.
Florida. Calhoun, Gulf, Marion, August 1, 1943.
Illinois. Cass, Franklin, August 1, 1946; Greene, August 1, 1943; Wabash, August 1, 1946.
Indiana. White, August 1, 1943.
Iowa. Clay, Poweshiek, August 1, 1943.
Kansas. Coffey, Sheridan, August 1, 1943.
Kentucky. Bell, Boyle, Greenup, Lee, Scott, August 1, 1943.
Maryland. Somerset, August 1, 1943.
Minnesota. Grant, Renville, August 1, 1943.
Mississippi. Chickasaw, Prentiss, August 1, 1943.
Missouri. Barry, Macon, Randolph, Vernon, August 1, 1943.
Montana. Hill, August 1, 1943.
Nebraska. Jefferson, Richardson, August 1, 1943.

[1] Amendment 45 appears at 5 F.R. 2767.

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FEDERAL REGISTER

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West Virginia. Clay, Pendleton, August 1, 1943.

Wisconsin. Calumet, August 1, 1943.

Puerto Rico. Yauco, August 1, 1943.

2. This order supplements and is in addition to previous designations of modified accredited areas.

Done at Washington, D. C., this 1st day of August, 1940.

[SEAL] J. R. MOHLER,
Chief of Bureau.

[F. R. Doc. 40-3504; Filed, August 22, 1940; 9:49 a. m.]

TITLE 10—ARMY: WAR DEPARTMENT

CHAPTER III—CLAIMS AND ACCOUNTS

PART 36—CLAIMS AGAINST THE UNITED STATES [1]

§ 36.1 *Payment of rewards for apprehension of deserters, etc., discontinued.* Rescinded.[2]

REWARD FOR ESCAPED MILITARY PRISONERS AND EXPENSES FOR ENLISTED MEN ABSENT WITHOUT LEAVE OR IN DESERTION

§ 36.30 *Reward for escaped military prisoners*—(a) *General.* A reward of $25 will be paid for the apprehension and delivery to the proper military authorities at a military post of an escaped military prisoner, except a former Philippine Scout, for whose apprehension and delivery a reward of $20 only will be paid. No reward will be paid in the case of an escaped military prisoner who is serving in the Army, Navy, or Marine Corps, and no reward will be paid in the case of a deserter under any circumstances. As to payment of actual expenses, see § 36.32.

(b) *Definitions.* (1) The term "military prisoner" is construed to mean a person who is under sentence of dishonorable discharge and confinement. It does not include an enlisted man held simply as a garrison prisoner and not under sentence of dishonorable discharge.

(2) The term "under sentence" in (1) above is construed to mean under sentence adjudged by a general court martial, regardless of whether or not execution of the sentence has been ordered. See JAG, July 17, 1935, Mil. Affairs 251.211.

(3) *By whom paid.* The reward will be paid by disbursing officers of the Finance Department and will be in full satisfaction of all expenses for arresting, keeping, and delivering the escaped military prisoner. (47 Stat. 1575; 10 U.S.C. 1431) [Par. 2, AR 35-2620, Aug. 3, 1940]

§ 36.31. *Apprehension and delivery*—(a) *Information leading to arrest.* In order to earn the reward of $25 for apprehension and delivery of escaped military prisoners, it is not enough that the civilian merely furnish information to the military authorities leading to the apprehension and arrest of the escaped military prisoner and accompany the enlisted men detailed to make the arrest, but there must be actual delivery by the civilian to an officer of the Army at the nearest garrisoned military post unless that requirement is waived by competent authority. See (d) below.

(b) *Surrender on advice of attorney.* When an escaped military prisoner surrenders himself to military authorities upon advice of his attorney, the attorney is not entitled to reward offered for apprehension of such escaped military prisoner, his claim for such reward being incompatible with his duty to his client. See 27 Comp. Dec. 482.

(c) *Failure to deliver.* (1) A civil officer or citizen who arrests an escaped military prisoner and does not deliver him to the military authorities, turning him over to some one else for that purpose, is not entitled to the reward of $25, authorized by the annual appropriation acts, and Army Regulations thereunder, for expenses incurred in arresting, keeping, and delivering an escaped military prisoner. (See 25 Comp. Dec. 854.) However if the person who makes the delivery does so as the actual agent of the apprehending officer, such action should not be held to defeat payment to the civil officer responsible for the arrest and delivery. See MS. Comp. Gen., A-14324, June 2, 1926.

(2) Where an enlisted man was apprehended and while under arrest and being conducted to a military camp committed suicide, no reward may be paid nor may reimbursement of expenses be made, except the reasonable and necessary expenses incurred in delivering the body to the undertaker at request of the military authorities. See sec. 183, Dig. Op. JAG, 1912-30.

(d) *Delivery at a place other than military post.* The reward for the apprehension and delivery of an escaped military prisoner who is not delivered at a garrisoned military post (see (a) above) should be reduced by the amount of the expenses for transportation and subsistence that the civil officer would have necessarily incurred had he delivered the escaped military prisoner to the nearest military post. Such expenses include the cost of transportation of the civil officer and the escaped military prisoner from the place of apprehension to the nearest military post, the cost of transportation of the officer from the latter to the former place, and subsistence for both en route. See 1 Comp. Gen. 612; MS. Comp. Gen. A-13910, April 20, 1926.

(e) *Voluntary surrender to civil officer.* Where an escaped military prisoner voluntarily surrendered to a civil officer and such officer took him into custody and delivered him to military control at the nearest military post, the conditions of law authorizing the payment of a reward for the apprehension of an escaped military prisoner have

[1] § 36.1 is rescinded and §§ 36.30-36.33 are added.

[2] Section I, Circular 38, WD, Oct. 5, 1934, is superseded by AR 35-2620, Aug. 3, 1940.

been complied with and payment thereof to such civil officer is authorized. See 6 Comp. Gen. 479. (47 Stat. 1575; 10 U.S.C. 1431) [Par. 3, AR 35–2620, Aug. 3, 1940]

§ 36.32 *Actual expenses*—(a) *Officials of Department of Justice.* Actual expenses only, to an amount not exceeding $25 in each case, will be reimbursed to the Department of Justice upon presentation of proper expense account in cases where escaped military prisoners have been delivered to the military authorities by officials of that department.

(b) *Detective agencies.* The act of March 3, 1893 (27 Stat. 591); 5 U.S.C. 53; M. L., 1939, sec. 643, provides—

That hereafter no employee of the Pinkerton Detective Agency, or similar agency, shall be employed in any Government service or by any officer of the District of Columbia.

A detective agency could not legally be employed to apprehend and deliver an escaped military prisoner so as to obligate the Government to pay therefor, but information having come to the agency that a certain person was an escaped military prisoner, the reimbursement of the actual expenses not exceeding $25 incurred in delivering him from the place found into the hands of the Army officers at the nearest post is not considered an "employment" within the prohibition of the act of March 3, 1893. See MS. Comp. Gen., AD–7112, October 21, 1922.

(c) Payments to civil authorities for expenses incurred in apprehending enlisted men absent without leave or in desertion will be made only where it is desired to return them for the purpose of bringing them to trial for some grave offense other than desertion, and then only if authorized in advance and within the maximum limits prescribed by the Secretary of War in each specific case. (47 Stat. 1575; 10 U.S.C. 1431) [Par. 4, AR 35–2620, Aug. 3, 1940]

§ 36.33 *Expenses of enlisted men sent in pursuit.* When enlisted men are sent in pursuit of an escaped military prisoner, the expenses necessarily incurred will be paid whether he is apprehended or not and will be reported as in payment of rewards. (47 Stat. 1575; 10 U.S.C. 1431) [Par. 6, AR 35–2620, Aug. 3, 1940]

[SEAL] E. S. ADAMS,
Major General,
The Adjutant General.

[F. R. Doc. 40–3500; Filed, August 22, 1940; 9:20 a. m.]

TITLE 14—CIVIL AVIATION

CHAPTER I—CIVIL AERONAUTICS AUTHORITY

[Amendment 67, Civil Air Regulations]

EXCEPTIONS TO PHYSICAL REQUIREMENTS

At a session of the Civil Aeronautics Board of the Civil Aeronautics Authority held at its office in Washington, D. C., on the 20th day of August 1940.

Acting pursuant to the authority vested in it by the Civil Aeronautics Act of 1938, as amended, particularly sections 205 (a) and 601 (a) of said Act, and finding that its action is desirable in the public interest and is necessary to carry out the provisions of, and to exercise and perform its powers and duties under, said Act, the Civil Aeronautics Board hereby amends the Civil Air Regulations as follows:

Effective August 20, 1940, Part 20 of the Civil Air Regulations is amended by inserting after subsection (d) in § 20.104 the following new subsection:

(e) *Exceptions to physical requirements.* An applicant may receive a certificate in spite of a failure to comply with the above physical requirements, if his physical deficiency is such as not to interfere with his safe piloting of aircraft. Any applicant receiving a certificate under these conditions may be restricted to particular types of operation or types of aircraft.

By the Civil Aeronautics Board.

[SEAL] THOMAS G. EARLY,
Acting Secretary.

[F. R. Doc. 40–3503; Filed, August 22, 1940; 9:22 a. m.]

TITLE 50—WILDLIFE

CHAPTER I—FISH AND WILDLIFE SERVICE

SUBCHAPTER Q—ALASKA FISHERIES[1]

PART 208—KODIAK AREA FISHERIES

§ 208.23 (o) *Areas open to salmon traps,* is hereby amended to read as follows:

* * * * *

(o) Kodiak Island: Coast along east side of Deadman Bay within 800 feet of a point at 56 degrees 57 minutes 50 seconds north latitude, 153 degrees 58 minutes 33 seconds west longitude. (Sec. 1, 44 Stat. 752; 48 U.S.C. 221)

* * * * *

PART 211—PRINCE WILLIAM SOUND AREA FISHERIES

§ 211.13 (i) *Areas open to salmon traps,* is hereby amended to read as follows:

* * * * *

(i) Bligh Island: Southwest coast (1) within 2,500 feet of a point at 60 degrees 48 minutes 56 seconds north latitude, 146 degrees 49 minutes 23 seconds west longitude, and (2) within 2,500 feet of a point at 60 degrees 48 minutes 28 seconds north latitude, 146 degrees 45 minutes 15 seconds west longitude. (Sec. 1, 44 Stat. 752; 48 U.S.C. 221)

* * * * *

[1] Prior to the consolidation of the Bureau of Fisheries and the Bureau of Biological Survey on June 30, 1940, the codified Alaska fisheries regulations were designated as Chapter II—Bureau of Fisheries, Subchapter A—Alaska Fisheries.

PART 229—SOUTHEASTERN ALASKA AREA, SOUTHERN DISTRICT, SALMON FISHERIES

§ 229.17 (g) *Areas open to salmon traps,* is hereby amended to read as follows:

* * * * *

(g) Revillagigedo Island: Within 2,500 feet of a point at 55 degrees 36 minutes 52 seconds north latitude, 131 degrees 41 minutes 52 seconds west longitude. (Sec. 1, 44 Stat. 752; 48 U.S.C. 221)

* * * * *

A. J. WIRTZ,
Acting Secretary of the Interior.

AUGUST 12, 1940.

[F. R. Doc. 40–3501; Filed, August 22, 1940; 9:21 a. m.]

Notices

DEPARTMENT OF THE INTERIOR.

General Land Office.

STOCK DRIVEWAY WITHDRAWAL NO. 142, MONTANA NO. 6, ENLARGED

AUGUST 12, 1940.

It appearing that the following-described public land should be added to Stock Driveway Withdrawal No. 142, Montana No. 6, it is ordered, under and pursuant to the provisions of section 7 of the act of June 28, 1934, 48 Stat. 1269, as amended by the act of June 26, 1936, 49 Stat. 1976, and section 10 of the act of December 29, 1916, 39 Stat. 862, as amended by the act of January 29, 1929, 45 Stat. 1144, that such land, excepting any mineral deposits therein, be, and it is hereby, withdrawn from all disposal under the public-land laws and reserved for the use of the general public as an addition to such driveway reservation, subject to valid existing rights:

Principal Meridian

T. 14 S., R. 6 W., lots 3 and 4, E½SW¼ sec. 30, 158.24 acres.

Any mineral deposits in the land shall be subject to location and entry only in the manner prescribed by the Secretary of the Interior in accordance with the provisions of the aforesaid act of January 29, 1929, and existing regulations.

OSCAR L. CHAPMAN,
Assistant Secretary of the Interior.

[F. R. Doc. 40–3502; Filed, August 22, 1940; 9:21 a. m.]

DEPARTMENT OF AGRICULTURE.

Rural Electrification Administration.

[Administrative Order No. 505]

ALLOCATION OF FUNDS FOR LOANS

AUGUST 14, 1940.

By virtue of the authority vested in me by the provisions of Section 4 of the Rural Electrification Act of 1936, as

amended, I hereby allocate, from the sums authorized by said Act, funds for loan for the project and in the amount set forth in the following schedule:

Project designation:	*Amount*
Florida 1028A1 Madison	$152,000

[SEAL] HARRY SLATTERY,
Administrator.

[F. R. Doc. 40-3506; Filed, August 22, 1940; 9:49 a. m.]

DEPARTMENT OF LABOR.

Wage and Hour Division.

SUPPLEMENTARY DETERMINATION NO. 2,[1] IN MATTER OF APPLICATION FOR EXEMPTION OF QUARRYING OF CRUSHED STONE FROM SURFACE OR OPEN CUTS FROM MAXIMUM HOURS PROVISIONS OF FAIR LABOR STANDARDS ACT OF 1938, PART 526, AS AMENDED OF REGULATIONS ISSUED THEREUNDER, AND PARAGRAPH (8) OF ORIGINAL DETERMINATION

Whereas the Administrator determined after a public hearing held before Harold Stein, Presiding Officer, on June 19, 1939 that:

1. There is a branch of the crushed stone industry wherein the plants normally shut down for about six months each year, except for an insubstantial amount of production that may be produced shortly before or shortly after the main production season. This branch is located in the colder and, in general, more northerly parts of the United States; and

3. The plants in the northern branch cease operation annually at a regularly recurring season of the year, except for sales, maintenance, and similar work, because the materials used by the industry are not available for excavation, handling and processing in the form in which they must be excavated, handled, and processed, i. e., as unfrozen ledges and banks of blasted rock, because of climatic factors; and

4. The northern branch of the crushed stone industry is an industry of a seasonal nature within the meaning of section 7 (b) (3) of the Act and Part 526 of regulations issued thereunder; and

Whereas paragraph (8) of the above Determination provides that it shall be without prejudice to a supplementary determination enlarging the scope of the northern branch by the inclusion therein of such plants or groups of plants, if any, as operate in the same manner and for the same reasons as the plants in the northern branch described in paragraphs 1 and 3 above; and

Whereas the Kelley Island Lime and Transport Company filed an application with the Wage and Hour Division, United States Department of Labor, pursuant to paragraph (8) of the above cited original determination in the matter of the crushed stone industry, to include the excavating, hauling, and processing of crushed stone by the Kelley Island Lime and Transport Company at Kelley Island, Erie County, Ohio; and

Whereas it appears from the application filed by the Kelley Island Lime and Transport Company, that the crushed stone plant of the aforesaid plant at Kelley Island, in Erie County, Ohio, operates in the same manner and for the same reason as the plants in the northern branch described in paragraphs 1 and 3 of the original determination.

Now, therefore, upon consideration of the facts stated in the said application for supplementary determination, the Administrator hereby determines, pursuant to § 526.5 (b) (ii),[2] as amended, of the regulations, that a *prima facie* case has been shown for enlarging the scope of the northern branch of the crushed stone industry, in accordance with paragraph (8) of the original determination and pursuant to section 7 (b) (3) of the Fair Labor Standards Act of 1938 and Part 526, as amended, of the regulations issued thereunder to include the crushed stone plant of the Kelley Island Lime and Transport Company in Erie County, Ohio.

In accordance with the procedure established by § 526.5 (b) (ii), as amended, of the regulations, the Administrator for fifteen days following the publication of this determination will receive objection to the granting of the exemption and request for hearing from any interested person. Upon receipt of objection and request for hearing, the Administrator will set the application for the hearing before himself or an authorized representative.

If no objection and request for hearing is received within fifteen days, the Administrator will make a finding upon the *prima facie* case shown upon the application.

The application may be examined in Room 5220, U. S. Department of Labor, Washington, D. C.

Signed at Washington, D. C., this 7th day of August 1940.

PHILIP B. FLEMING,
Administrator.

[F. R. Doc. 40-3497; Filed, August 21, 1940; 2:51 p. m.]

SUPPLEMENTARY DETERMINATION NO. 3, IN MATTER OF APPLICATION FOR EXEMPTION OF QUARRYING OF CRUSHED STONE FROM SURFACE OF OPEN CUTS FROM MAXIMUM HOURS PROVISIONS OF FAIR LABOR STANDARDS ACT OF 1938, PART 526, AS AMENDED, OF REGULATIONS ISSUED THEREUNDER, AND PARAGRAPH (8) OF THE ORIGINAL DETERMINATION

Whereas the Administrator determined after a public hearing held before Harold Stein, Presiding Officer, on June 19, 1939 that:

1. There is a branch of the crushed stone industry wherein the plants normally shut down for about six months each year, except for an insubstantial amount of production that may be produced shortly before or shortly after the main production season. This branch is located in the colder and, in general, more northerly parts of the United States; and

3. The plants in the northern branch cease operation annually at a regularly recurring season of the year, except for sales, maintenance, and similar work, because the materials used by the industry are not available for excavation, handling and processing in the form in which they must be excavated, handled, and processed, i. e., as unfrozen ledges and banks of blasted rock, because of climatic factors; and

4. The northern branch of the crushed stone industry is an industry of a seasonal nature within the meaning of section 7 (b) (3) of the Act and Part 526 of regulations issued thereunder; and

Whereas paragraph (8) of the above Determination provides that it shall be without prejudice to a supplementary determination enlarging the scope of the northern branch by the inclusion therein of such plants or groups of plants, if any, as operate in the same manner and for the same reasons as the plants in the northern branch described in paragraphs 1 and 3 above; and

Whereas the National Crushed Stone Association filed an application with the Wage and Hour Division, United States Department of Labor, on behalf of the T. P. Rogers Stone Company of Stroudsburg, Pennsylvania, pursuant to paragraph (8) of the above cited original determination in the matter of the crushed stone industry, to include the excavating, hauling, and processing of crushed stone by the T. P. Rogers Stone Company at Stroudsburg, Monroe County, Pennsylvania; and

Whereas it appears from the application filed by the National Crushed Stone Association on behalf of the T. P. Rogers Stone Company of Stroudsburg, Pennsylvania, that the crushed stone plant of the aforesaid company in Monroe County, Pennsylvania, operates in the same manner and for the same reason as the plants in the northern branch described in paragraphs 1 and 3 of the original determination.

Now, therefore, upon consideration of the facts stated in the said application for supplementary determination, the Administrator hereby determines, pursuant to § 526.5 (b) (ii),[2] as amended, of the regulations, that a *prima facie* case has been shown for enlarging the scope of the northern branch of the crushed stone industry, in accordance with paragraph (8) of the original de-

[1] Supplementary Determination No. 1 appears at 5 F.R. 2798.

[2] 5 F.R. 711.

[2] 5 F.R. 711.

termination and pursuant to section 7 (b) (3) of the Fair Labor Standards Act of 1938 and Part 526, as amended, of the regulations issued thereunder to include the crushed stone plant of the T. P. Rogers Stone Company, in Monroe County, Pennsylvania.

In accordance with the procedure established by § 526.5 (b) (ii), as amended, of the regulations, the Administrator for fifteen days following the publication of this determination will receive objection to the granting of the exemption and request for hearing from any interested person. Upon receipt of objection and request for hearing, the Administrator will set the application for the hearing before himself or an authorized representative.

If no objection and request for hearing is received within fifteen days, the Administrator will make a finding upon the *prima facie* case shown upon the application.

The application may be examined in Room 5220, U. S. Department of Labor, Washington, D. C.

Signed at Washington, D. C., this 7th day of August 1940.

PHILIP B. FLEMING,
Administrator.

[F. R. Doc. 40-3498; Filed, August 21, 1940; 2:51 p. m.]

SUPPLEMENTARY DETERMINATION NO. 4, IN MATTER OF APPLICATION FOR THE EXEMPTION OF QUARRYING OF CRUSHED STONE FROM SURFACE OR OPEN CUTS FROM MAXIMUM HOURS PROVISIONS OF THE FAIR LABOR STANDARDS ACT OF 1938, PART 526, AS AMENDED, OF REGULATIONS ISSUED THEREUNDER, AND PARAGRAPH (8) OF ORIGINAL DETERMINATION

Whereas the Administrator determined after a public hearing held before Harold Stein, Presiding Officer, on June 19, 1939 that:

1. There is a branch of the crushed stone industry wherein the plants normally shut down for about six months each year, except for an insubstantial amount of production that may be produced shortly before or shortly after the main production season. This branch is located in the colder and, in general, more northerly parts of the United States; and

3. The plants in the northern branch cease operation annually at a regularly recurring season of the year, except for sales, maintenance, and similar work, because the materials used by the industry are not available for excavation, handling and processing in the form in which they must be excavated, handled, and processed, i. e., as unfrozen ledges and banks of blasted rock, because of climatic factors; and

4. The northern branch of the crushed stone industry is an industry of a seasonal nature within the meaning of section 7 (b) (3) of the Act and Part 526 of regulations issued thereunder; and

Whereas paragraph (8) of the above Determination provides that it shall be without prejudice to a supplementary determination enlarging the scope of the northern branch by the inclusion therein of such plants or groups of plants, if any, as operate in the same manner and for the same reasons as the plants in the northern branch described in paragraphs 1 and 3 above; and

Whereas the National Crushed Stone Association filed an application with the Wage and Hour Division, United States Department of Labor, on behalf of the LeRoy Lime and Crushed Stone Corp. of LeRoy, New York, pursuant to paragraph (8) of the above cited original determination in the matter of the crushed stone industry, to include the excavating, hauling, and processing of crushed stone by the LeRoy Lime and Crushed Stone Corp. at LeRoy, Genesee County, New York; and

Whereas it appears from the application filed by the National Crushed Stone Association on behalf of the LeRoy Lime and Crushed Stone Corp. of LeRoy, New York, that the crushed stone plant of the aforesaid company in Genesee County, New York, operates in the same manner and for the same reason as the plants in the northern branch described in paragraphs 1 and 3 of the original determination.

Now, therefore, upon consideration of the facts stated in the said application for supplementary determination, the Administrator hereby determines, pursuant to § 526.5 (b) (ii),[1] as amended, of the regulations, that a *prima facie* case has been shown for enlarging the scope of the northern branch of the crushed stone industry, in accordance with paragraph (8) of the original determination and pursuant to section 7 (b) (3) of the Fair Labor Standards Act of 1938 and Part 526, as amended, of the regulations issued thereunder to include the crushed stone plant of the LeRoy Lime and Crushed Stone Corp., in Genesee County, New York.

In accordance with the procedure established by § 526.5 (b) (ii), as amended, of the regulations, the Administrator for fifteen days following the publication of this determination will receive objection to the granting of the exemption and request for hearing from any interested person. Upon receipt of objection and request for hearing, the Administrator will set the application for the hearing before himself or an authorized representative.

If no objection and request for hearing is received within fifteen days, the Administrator will make a finding upon the *prima facie* case shown upon the application.

The application may be examined in Room 5220, U. S. Department of Labor, Washington, D. C.

Signed at Washington, D. C., this 7th day of August 1940.

PHILIP B. FLEMING,
Administrator.

[F. R. Doc. 40-3499; Filed, August 21, 1940; 2:52 p. m.]

[Administrative Order No. 61]

DESIGNATING REGIONAL DIRECTORS AND ACTING REGIONAL DIRECTORS OF REGIONS 2, 3, 5, 7, 13, 14, AND 15 AS AUTHORIZED REPRESENTATIVES TO GRANT OR DENY APPLICATIONS FOR SPECIAL CERTIFICATES FOR EMPLOYMENT OF HANDICAPPED WORKERS, AND TO CANCEL SUCH SPECIAL CERTIFICATES

By virtue of, and pursuant to the authority vested in me by the Fair Labor Standards Act of 1938, I, Philip B. Fleming, Administrator of the Wage and Hour Division, Department of Labor, hereby designate and appoint the regional directors or the acting regional directors of regions 2, 3, 5, 7, 13, 14, and 15 as my authorized representatives, with full power and authority to grant or deny applications for special certificates for the employment of handicapped workers, and to sign, issue and cancel special certificates authorizing the employment of handicapped workers pursuant to the provisions of section 14 of the Fair Labor Standards Act of 1938 and Regulations, Title 29—Labor, Chapter V—Wage and Hour Division, Part 524.

Signed at Washington, D. C., this 19 day of August 1940.

PHILIP B. FLEMING,
Administrator.

[F. R. Doc. 40-3495; Filed, August 21, 1940; 2:50 p. m.]

NOTICE OF HEARING ON MINIMUM WAGE RECOMMENDATION OF INDUSTRY COMMITTEE NO. 9 FOR THE RAILROAD CARRIER INDUSTRY

Whereas the Administrator of the Wage and Hour Division of the United States Department of Labor, acting pursuant to section 5 (b) of the Fair Labor Standards Act of 1938, on November 2, 1939, by Administrative Order No. 34,[1] appointed Industry Committee No. 9 for the Railroad Carrier Industry, composed of an equal number of representatives of the public, employers in the industry and employees in the industry, such representatives having been appointed with due regard to the geographical regions in which the industry is carried on; and

Whereas Industry Committee No. 9, on May 8, 1940, recommended a minimum wage rate for the Railroad Car-

[1] 5 F.R. 711.

[1] 4 F.R. 4466.

rier Industry and duly adopted a report containing said recommendation and reasons therefor and has filed such report with the Administrator on August 15, 1940, pursuant to section 8 (d) of the Act and § 511.19 of the Regulations issued under the Act; and

Whereas the Administrator is required by section 8 (d) of the Act, after due notice to interested persons and giving them an opportunity to be heard, to approve and carry into effect by order the recommendation of Industry Committee No. 9 if he finds that the recommendation is made in accordance with law and is supported by the evidence adduced at the hearing before him, and, taking into consideration the same factors as are required to be considered by the Industry Committee, will carry out the purposes of section 8 of the Act; and, if he finds otherwise, to disapprove such recommendations;

Now, therefore, notice is hereby given that:

I. Industry Committee No. 9 by a majority vote in each case made the following separable recommendations for minimum wage rates in the Railroad Carrier Industry:

(1) "Wages at a rate of not less than thirty-six (36) cents an hour shall be paid under Section 6 of the Fair Labor Standards Act of 1938 by every employer to each of his employees in the Trunk Line Division of the Railroad Carrier Industry who is engaged in commerce or in the production of goods for commerce."

(2) "Wages at a rate of not less than thirty-three (33) cents an hour shall be paid under section 6 of the Fair Labor Standards Act of 1938 by every employer to each of his employees in the Short Line Division of the Railroad Carrier Industry who is engaged in commerce or in the production of goods for commerce."

Industry Committee No. 9 recommended the following reasonable classifications within the Railroad Carrier Industry having determined them to be necessary for the purpose of fixing for each such classification within the industry the highest minimum wage rate (not in excess of 40 cents per hour) which (1) will not substantially curtail employment in such classification, and (2) will not give a competitive advantage to any group in the Industry:

(a) The trunk line division shall mean the industry carried on (1) by an express company, switching company, terminal company or sleeping car company subject to Part I of the Interstate Commerce Act, (2) by any carrier by railroad subject to Part I of the Interstate Commerce Act having annual operating revenues of more than one million dollars ($1,000,000) as shown by such carrier's last annual report to the Interstate Commerce Commission or other regulatory body, and (3) by any company which is directly or indirectly owned or controlled by one or more such carriers, by one or more carriers under (b) hereof or by one or more such carriers jointly with one or more carriers under (b) hereof or under common control therewith, and which operates any equipment or facility or performs any service (except trucking service, casual service and the casual operation of equipment or facilities) in connection with the transportation of passengers or property by railroad, or the receipt, delivery, elevation, transfer in transit, refrigeration or icing, storage, or handling of property transported by railroad, and by any receiver trustee, or other individual or body, judicial or otherwise, when in the possession of the property or operating all or any part of the business of any such company or carrier by railroad: *Provided, however,* That the term "trunk line division" shall not include the industry carried on by any street, interurban, or suburban electric railway, unless such railway is operating as a part of a general steam-railroad system of transportation, but shall not exclude any part of the general steam-railroad system of transportation now or hereafter operated by any other motive power;

(b) The short line division shall mean the industry carried on by any carrier by railroad, subject to Part I of the Interstate Commerce Act, having annual operating revenues of less than one million dollars ($1,000,000) as shown by such carrier's last annual report to the Interstate Commerce Commission or other regulatory body, and by any receiver, trustee, or other individual or body, judicial or otherwise, when in the possession of the property or operating all or any part of the business of any such carrier by railroad: *Provided, however,* That the term "short line division" shall not include the industry carried on (1) by any carrier or company included within paragraph (a) hereof or (2) by any street, interurban, or suburban electric railway, unless such railway is operating as a part of a general steam-railroad system of transportation, but shall not exclude any part of the general steam-railroad system of transportation now or hereafter operated by any other motive power.

II. The definition of the Railroad Carrier Industry, as set forth in Administrative Order No. 34, issued November 2, 1939, is as follows:

"As used in this order the term 'Railroad Carrier Industry' means the industry carried on by any express company, sleeping car company or carrier by railroad, subject to Part I of the Interstate Commerce Act, and by any company which is directly or indirectly owned or controlled by one or more such carriers or under common control therewith, and which operates any equipment or facility or performs any service (except trucking service, casual service and the casual operation of equipment or facilities) in connection with the transportation of passengers or property by railroad, or the receipt, delivery, elevation, transfer in transit, refrigeration or icing, storage, or handling of property transported by railroad, and by any receiver, trustee, or other individual or body, judicial or otherwise, when in the possession of the property or operating all or any part of the business of any such company or carrier by railroad: *Provided, however,* That the term 'Railroad Carrier Industry' shall not include the industry carried on by any street, interurban, or suburban electric railway, unless such railway is operating as a part of a general steam-railroad system of transportation, but shall not exclude any part of the general steam-railroad system of transportation now or hereafter operated by any other motive power."

III. The full text of the report and recommendation of Industry Committee No. 9, together with a report filed by a minority of the Committee, are available for inspection by any person between the hours of 9:00 a. m. and 4:30 p. m. at the following offices of the United States Department of Labor, Wage and Hour Division:

Boston, Massachusetts, 120 Boylston Street.

New York, New York, Port of N. Y. Authority Building, 111 Eighth Avenue.

Buffalo, New York, Dun Building, 110 Pearl Street.

Philadelphia, Pennsylvania, 1205 Widener Building, Chestnut and Juniper Streets.

Pittsburgh, Pennsylvania, 216 Old Post Office Building.

Newark, New Jersey, 1004 Kinney Building, 790 Broad Street.

Richmond, Virginia, 215 Richmond Trust Building, 627 E. Main Street.

Baltimore, Maryland, 606 Snow Building, Calvert & Lombard Streets.

Raleigh, North Carolina, 507 Raleigh Building.

Atlanta, Georgia, 314 Witt Building, 249 Peachtree Street.

Jacksonville, Florida, 225 Post Office Building.

Birmingham, Alabama, 818 Comer Building, 2nd Avenue & 21st Street.

New Orleans, Louisiana, 1512 Pere Marquette Building, 150 Baronne Street.

Nashville, Tennessee, Medical Arts Building, 119 Seventh Avenue, N.

Cleveland, Ohio, 728 Standard Building, 1370 Ontario Avenue.

Cincinnati, Ohio, 421 Keith Building, 525 Walnut Street.

Detroit, Michigan, 358 Federal Building.

Chicago, Illinois, 1200 Merchandise Mart, 222 W. North Bank Drive.

Indianapolis, Indiana, Room 708, 108 E. Washington Street.

Minneapolis, Minnesota, 406 Pence Building, 730 Hennepin Avenue.

Kansas City, Missouri, 504 Title & Trust Building, 10th & Walnut Streets.

St. Louis, Missouri, 100 Old Custom House Building, 815 Olive Street.

Denver, Colorado, Chamber of Commerce Bldg., 1726 Champa Street.

Dallas, Texas, 620 Wilson Building, 1621 Main Street.

San Antonio, Texas, 716 Maverick Building, 400 E. Houston Street.

San Francisco, California, 785 Market Street, Room 500.

Los Angeles, California, H. W. Hellman Building, 354 South Spring Street.

Seattle, Washington, 206 Hartford Building, 208 James Street.

San Juan, Puerto Rico, Post Office Box 112.

Juneau, Alaska, D. B. Stewart, Commissioner of Mines.

Washington, District of Columbia, Department of Labor, 4th Floor.

Copies of the Committee's report and recommendation, together with a report filed by a minority of the Committee. may be obtained by any person upon request addressed to the Administrator of the Wage and Hour Division, Department of Labor, Washington, D. C.

IV. A public hearing for the purpose of taking evidence on the question of whether the recommendation of Industry Committee No. 9 shall be approved or disapproved pursuant to Section 8 of the Act will be held on September 23, 1940, at 10:00 a. m. at the Willard Hotel, in Washington, D. C., before Henry T. Hunt, Esquire, Principal Hearings Examiner of the Wage and Hour Division, United States Department of Labor, as presiding officer.

V. Any interested person, supporting or opposing the recommendation of Industry Committee No. 9, may appear at the aforesaid hearing to offer evidence, either on his own behalf or on behalf of any other person; provided, that not later than September 16, 1940, any such person shall file with the Administrator at Washington, D. C., a notice of his intent to appear which shall contain the following information:

1. The name and address of the person appearing.

2. If such person is appearing in a representative capacity, the name and address of the person or persons whom he is representing.

3. Whether such person proposes to appear for or against the recommendation of Industry Committee No. 9.

4. The approximate length of time requested for his presentation.

Such notice may be mailed to the Administrator, Wage and Hour Division, United States Department of Labor, Washington, D. C., and shall be deemed filed upon receipt thereof.

VI. Any person interested in supporting or opposing the recommendation of Industry Committee No. 9 may secure further information concerning the aforesaid hearing by inquiry directed to the Administrator, Wage and Hour Division, United States Department of Labor, Washington, D. C., or by consulting with attorneys representing the Administrator who will be available for that purpose at the offices of the Wage and Hour Division in Washington, D. C.

VII. Copies of the following documents relating to the Railroad Carrier Industry will be available for inspection by any interested person between the hours of 9 a. m. and 4:30 p. m. at the offices of the Wage and Hour Division listed in paragraph III above:

U. S. Department of Labor, Wage and Hour Division, Research and Statistics Branch, *Report on the Railroad Carrier Industry (Class I Railways)*.

U. S. Department of Labor, Wage and Hour Division, Research and Statistics Branch, *Report on Railroad Carrier Industry (Classes II and III Railways)*.

U. S. Department of Labor, Wage and Hour Division, Research and Statistics Branch, *Report on Railroad Carrier Industry (Switching and Terminal Companies)*.

U. S. Department of Labor, Wage and Hour Division, Research and Statistics Branch, *Report on Railroad Carrier Industry (Electric Railways)*.

U. S. Department of Labor, Wage and Hour Division, Research and Statistics Branch, *Report on Railroad Carrier Industry (the Pullman Company, the Railway Express Agency, Inc., and Car-Loan Companies)*.

VIII. The hearing will be conducted in accordance with the following rules, subject, however, to such subsequent modifications by the Administrator or the Principal Hearings Examiner as are deemed appropriate:

1. The hearing shall be stenographically reported and a transcript made which will be available to any person at prescribed rates upon request made to the official reporter, Electric Reporting Service, 1707 I St., N.W., Washington, D. C.

2. In order to maintain orderly and expeditious procedure, each person filing a Notice to Appear shall be notified, if practicable, of the approximate day and the place at which he may offer evidence at the hearing. If such person does not appear at the time set in the notice he will not be permitted to offer evidence at any other time except by special permission of the presiding officer.

3. At the discretion of the presiding officer the hearing may be continued from day to day, or adjourned to a later date, or to a different place, by announcement thereof at the hearing by the presiding officer, or by other appropriate notice.

4. At any stage of the hearing, the presiding officer may call for further evidence upon any matter. After the presiding officer has closed the hearing before him, no further evidence shall be taken, except at the request of the Administrator, unless provision has been made at the hearing for the later receipt of such evidence. In the event that the Administrator shall cause the hearing to be reopened for the purpose of receiving further evidence, due and reasonable notice of the time and place fixed for such further taking of testimony shall be given to all persons who have filed a notice of intention to appear at the hearing.

5. All evidence must be presented under oath or affirmation.

6. Written documents or exhibits, except as otherwise permitted by the presiding officer, must be offered in evidence by a person who is prepared to testify as to the authenticity and trustworthiness thereof, and who shall, at the time of offering the documentary exhibit, make a brief statement as to the contents and manner of preparation thereof.

7. Written documents and exhibits shall be tendered in duplicate and the persons preparing the same shall be prepared to supply additional copies if such are ordered by the presiding officer. Where evidence is embraced in a document containing matter not intended to be put in evidence, such a document will not be received, but the person offering the same may present to the presiding officer the original document together with two copies of those portions of the document intended to be put in evidence. Upon presentation of such copies in proper form the copies will be received in evidence.

8. Subpoenas requiring the attendance of witnesses or the presentation of a document from any place in the United States at any designated place of hearing may be issued by the Administrator at his discretion, and any person appearing in the proceeding may apply in writing for the issuance by the Administrator of the subpoena. Such applications shall be timely and shall identify exactly the witness or document and state fully the nature of the evidence proposed to be secured.

9. Witnesses summoned by the Administrator shall be paid the same fees and mileage as are paid witnesses in the courts of the United States. Witness fees and mileage shall be paid by the party at whose instance witnesses appear, and the Administrator before issuing subpoena may require a deposit of an amount adequate to cover the fees and mileage involved.

10. The rules of evidence prevailing in courts of law or equity shall not be controlling.

11. The presiding officer may, at his discretion, permit any person appearing in the proceeding to cross-examine any witness offered by another person, in so far as is practicable, and to object to the admission or exclusion of evidence by the presiding officer. Requests for permission to cross-examine a witness offered by another person and objections to the admission or exclusion of evidence shall be stated briefly with the reasons for such request or the ground of objection relied on. Such requests or objections shall become a part of the record, but the record shall not include argu-

ment thereon except as ordered by the presiding officer. Objections to the approval of the Committee's recommendation and to the promulgation of a wage order based upon such approval must be made at the hearing before the presiding officer.

12. Before the close of the hearing the presiding officer shall receive written requests from persons appearing in the proceeding for permission to make oral arguments before the Administrator upon the matter in issue. These requests will be forwarded to the Administrator by the presiding officer with the record of the proceedings. If the Administrator, in his discretion, allows the request, he shall give such notice thereof as he deems suitable to all persons appearing in the proceeding, and shall designate the time and place at which the oral arguments shall be heard. If such requests are allowed, all persons appearing at the hearing will be given opportunity to present oral argument.

13. Briefs (12 copies) may be submitted to the Administrator following the close of the hearing, by any persons appearing therein. Notice of the final dates for filing such briefs shall be given by the Administrator in such manner as shall be deemed suitable by him.

14. On the close of the hearing the presiding officer shall forthwith file a complete record of the proceedings with the Administrator. The presiding officer shall not file an intermediate report unless so directed by the Administrator. If a report is filed, it shall be advisory only and have no binding effect upon the Administrator.

15. No order issued as a result of the hearing will take effect until after due notice is given of the issuance thereof by publication in the FEDERAL REGISTER.

Signed at Washington, D. C., this 20th day of August 1940.

PHILIP B. FLEMING,
Administrator.

[F. R. Doc. 40-3496; Filed, August 21, 1940; 2:50 p. m.]

NOTICE OF ISSUANCE OF SPECIAL CERTIFICATES FOR THE EMPLOYMENT OF LEARNERS

Notice is hereby given that Special Certificates authorizing the employment of learners at hourly wages lower than the minimum wage rate applicable under Section 6 of the Fair Labor Standards Act of 1938 are issued under section 14 of the said Act and § 522.5 of Regulations, Part 522, as amended, to the employers listed below effective August 23, 1940. These Certificates may be canceled in the manner provided for in the Regulations and as indicated in the Certificate. Any person aggrieved by the issuance of any of these Certificates may seek a review of the action taken in accordance with the provisions of §§ 522.13 or 522.5 (b), whichever is applicable of the aforementioned Regulations.

The employment of learners under these Certificates is limited to the occupations, learning periods, and minimum wage rates specified in the Determination or Order for the Industry designated below opposite the employer's name and published in the FEDERAL REGISTER as here stated:

Regulations, Part 522, May 23, 1939 (4 F.R. 2088), and as amended October 12, 1939 (4 F.R. 4226).

Hosiery Order, August 22, 1939 (4 F.R. 3711).

Apparel Order, October 12, 1939 (4 F.R. 4225).

Knitted Wear Order, October 24, 1939 (4 F.R. 4351).

Textile Order, November 8, 1939 (4 F.R. 4531), as amended, April 27, 1940 (5 F.R. 1586).

Glove Order, February 20, 1940 (5 F.R. 714).

NAME AND ADDRESS OF FIRM, INDUSTRY, PRODUCT, NUMBER OF LEARNERS, AND EXPIRATION DATE

Boston Underwear Mfg. Co., 75 Kneeland Street, Boston, Massachusetts; Apparel; Blouses; 5 learners (75% of the applicable hourly minimum wage); October 24, 1940.

Grant Apparel Mfg. Co., Ltd. 1240 South Main Street, Los Angeles, California; Apparel; Blouses, Sportswear, Dresses; 5 learners (75% of the applicable hourly minimum wage); October 24, 1940.

Isadore Spivak & Company, S. E. Cor. Broad & Carpenter Streets, Philadelphia, Pennsylvania; Apparel; Men's Pants; 4 learners (75% of the applicable hourly minimum wage); October 24, 1940.

The Little Prince, Inc., Third & Cedar Streets, Columbia, Pennsylvania; Apparel; Infants' and Children's Outerwear; five percent (75% of the applicable hourly minimum wage); October 24, 1940.

Mme. Margaret, 1822 North Charles Street, Baltimore, Maryland; Apparel; Brassieres and Corsets; 2 learners (75% of the applicable hourly minimum wage); October 24, 1940.

Marvel Underwear & Pajama Co., 20 Cleveland Avenue, Rutland, Vermont; Apparel; Men's and Boys' Pajamas; 5 learners (75% of the applicable hourly minimum wage); October 24, 1940.

Monarch Wash Suit Co., Cor. South & Prospect Streets, New Bedford, Massachusetts; Apparel; Children's Outerwear; five percent (75% of the applicable hourly minimum wage); October 24, 1940.

The Paul Reed Company, 918 North Fourth Street, Milwaukee, Wisconsin; Apparel; Sportswear; 7 learners (75% of the applicable hourly minimum wage); October 24, 1940.

Samuel Edelstein & Son., S. W. Corner Third and Vine Streets, Philadelphia, Pennsylvania; Apparel; Belts; 5 learners (75% of the applicable hourly minimum wage); October 24, 1940.

Westbilt Clothes, Inc., 717 First Avenue, Seattle, Washington; Apparel; Suits, Overcoats, Sportcoats; 5 learners (75% of the applicable hourly minimum wage); October 24, 1940.

Wm. H. Noggle & Sons, Inc., Cor. of Grant & High Streets, Manheim, Pennsylvania; Apparel; Shirts; five percent (75% of the applicable hourly minimum wage); October 24, 1940.

Wm. H. Noggle & Sons, Inc., 27-37 East Ferdinand Street, Manheim, Pennsylvania; Apparel; Pajamas, Overalls, Sun Suits; five percent (75% of the applicable hourly minimum wage); October 24, 1940.

Wm. H. Noggle & Sons, Inc., Rexmont, Pennsylvania; Apparel; Boys' Pajamas; 4 learners (75% of the applicable hourly minimum wage); October 24, 1940.

Signed at Washington, D. C., this 22nd day of August 1940.

GUSTAV PECK,
Authorized Representative of the Administrator.

[F. R. Doc. 40-3513; Filed, August 22, 1940; 11:33 a. m.]

NOTICE OF ISSUANCE OF SPECIAL CERTIFICATES FOR THE EMPLOYMENT OF LEARNERS

Notice is hereby given that Special Certificates authorizing the employment of learners at hourly wages lower than the minimum rate applicable under Section 6 of the Fair Labor Standards Act of 1938 are issued pursuant to Section 14 of the said Act and § 522.5 (b) of Regulations Part 522 (4 F.R. 2088), as amended (4 F.R. 4226), to the employers listed below effective August 23, 1940. These Certificates are issued upon their representations that experienced workers for the learner occupations are not available and that they are actually in need of learners at subminimum rates in order to prevent curtailment of opportunities for employment. These Certificates may be canceled in the manner provided for in § 522.5 (b) of the Regulations and as indicated on the Certificate. Any person aggrieved by the issuance of any of these Certificates may seek a review of the action taken in accordance with the provisions of § 522.5 (b). The employment of learners under these Certificates is limited to the terms and conditions as designated opposite the employer's name.

NAME AND ADDRESS OF FIRM, PRODUCT, NUMBER OF LEARNERS, LEARNING PERIOD, LEARNER WAGE, LEARNER OCCUPATIONS, EXPIRATION DATE

A. E. Pade, 1639 Stout Street, Denver, Colorado; Postage Stamps; 1 learner; 8 weeks for any one learner; 25¢ per hour; Stamp Sorter and Classifier; December 27, 1940.

American Lamp & Shade Company, 1140 North American Street, Philadelphia, Pennsylvania; Maple Lamps & Parchment Shades, Silk Shades; 3 learners; 8 weeks for any one learner; 25¢ per hour; Parchment Shade Assembler and Maple Lamp Maker; December 27, 1940.

Signed at Washington, D. C., this 22nd day of August 1940.

GUSTAV PECK,
Authorized Representative of the Administrator.

[F. R. Doc. 40-3514; Filed, August 22, 1940; 11:33 a. m.]

SECURITIES AND EXCHANGE COMMISSION.

[File No. 8-1]

IN THE MATTER OF G. ALEX HOPE, DOING BUSINESS AS HOPE & COMPANY, BOATMEN'S BANK BUILDING, ST. LOUIS, MISSOURI

ORDER REVOKING REGISTRATION

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 21st day of August, A. D. 1940.

The Commission having issued an order for proceedings and notice of hearing on the question of revocation or suspension of registration, pursuant to section 15 (b) of the Securities Exchange Act of 1934; and

The registrant having admitted the facts contained in said notice, waived opportunity for hearing, and consented to the entry of an order revoking its registration; and

The Commission having duly considered the matter, and entered its findings as contained in the Commission's Opinion this day issued; and

The Commission now being fully advised in the premises,

It is ordered, Pursuant to section 15 (b) of the Securities Exchange Act of 1934, that the registration of G. Alex Hope, doing business as Hope & Company, be and the same is hereby revoked.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 40-3507; Filed, August 22, 1940; 11:09 a. m.]

[File No. 31-221]

IN THE MATTER OF EASTERN SHORE PUBLIC SERVICE COMPANY (DEL.)

SECOND AMENDATORY ORDER PURSUANT TO PUBLIC UTILITY HOLDING COMPANY ACT OF 1935, SECTIONS 3 (A) (2) AND 13 (A) AND (B)

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 21st day of August, A. D. 1940.

An amendatory order in the above entitled proceedings having been issued by this Commission on April 27, 1940,[1] said order providing, among other things, that a temporary exemption, subject to a certain provision therein contained, be granted Eastern Shore Public Service Company (Del.) from the provisions of section 13 (a) of the Public Utility Holding Company Act of 1935; pending the hearing and final determination of an application filed pursuant to section 13 of the Act (File No. 37-51);

It now appearing that such temporary exemption may properly be widened to embrace the activities of Eastern Shore Public Service Company (Del.), Eastern Shore Public Service Company of Maryland, Eastern Shore Public Service Company of Virginia, Delmarva Power Company and Maryland Light & Power Company, and each of them, carried on in the normal course of business and which might otherwise be in violation of section 13 (b) of the Act;

It is ordered, That the amendatory order of April 27, 1940 be and the same is further amended so as to provide that a temporary exemption from the provisions of section 13 (b) of such Act be and the same is hereby granted to Eastern Shore Public Service Company (Del.), Eastern Shore Public Service Company of Maryland, Eastern Shore Public Service Company of Virginia, Delmarva Power Company and Maryland Light & Power Company, and each of them, to the extent requested in application in File No. 37-51, pending the hearing and final determination on said application, subject to the same provision contained in our order of April 27, 1940.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 40-3508; Filed, August 22, 1940; 11:09 a. m.]

[File No. 31-475]

IN THE MATTER OF C. T. JAFFRAY, R. H. M. ROBINSON AND S. M. ARCHER AS TRUSTEES OF MINNESOTA AND ONTARIO PAPER COMPANY

ORDER PERMITTING WITHDRAWAL OF APPLICATION

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 21st day of August, A. D. 1940.

C. T. Jaffray, R. H. M. Robinson and S. M. Archer as Trustees of Minnesota and Ontario Paper Company having filed an application pursuant to section 3 (a) (3) of the Public Utility Holding Company Act for exemption from the provisions of the Act; and

The Commission having by Rule U-3D-12 exempted certain holding company systems from the provisions of the Act where the aggregate annual gross revenues from public utility operations do not exceed $350,000 when computed as specified therein; and

C. T. Jaffray, R. H. M. Robinson and S. M. Archer as Trustees of Minnesota and Ontario Paper Company having filed, as provided in subsection (d) of said Rule U-3D-12, a statement that its aggregate annual gross revenues from public utility operations do not exceed $350,000, and having requested withdrawal of the aforesaid application;

It is ordered, That permission for the withdrawal of the aforesaid application of C. T. Jaffray, R. H. M. Robinson and S. M. Archer as Trustees of Minnesota and Ontario Paper Company be, and the same hereby is, granted.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 40-3509; Filed, August 22, 1940; 11:09 a. m.]

[File No. 70-121]

IN THE MATTER OF NORTHWESTERN PUBLIC SERVICE COMPANY

ORDER PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 21st day of August, A. D. 1940.

The above named company having filed a declaration pursuant to the Public Utility Holding Company Act of 1935, particularly section 7 thereof, and Rule U-120-1 (a) thereunder, regarding the issue and sale of $6,000,000 principal amount of First Mortgage Bonds, Series A, 4%, due August 1, 1970, to underwriters at 100½% of the principal amount thereof, and to be offered to the public at 102½% of the principal amount thereof; the issue and sale of $500,000 principal amount of Serial Notes, 2½% due in ten semi-annual installments after date of issue to First Wisconsin National Bank of Milwaukee at face amount thereof; and redemption of presently outstanding $7,758,500 principal amount of First Mortgage Gold Bonds, Series A, 5%, due 1957, at 104% of the principal amount thereof requiring $8,068,840, from the proceeds of such sales together with other funds of the declarant; and

Said declaration having been filed on July 22, 1940 and certain amendments having been filed thereto, the last of said amendments having been filed on August 21, 1940, and notice of said filing having been duly given in the form and manner prescribed by Rule U-8 promulgated pursuant to said Act, and the Commission not having received a request for a hearing with respect to said application within the period specified in said notice, or otherwise, and not having ordered a hearing thereon; and the above named company having requested that said declaration as filed or

[1] 5 F.R. 1605.

as amended become effective on or before August 21, 1940; and

The Commission deeming it appropriate in the public interest and in the interest of investors and consumers to permit the said declaration to become effective with respect to Rule U-12C–1 and finding with respect to said declaration under Section 7 of said Act that the requirements of sections 7 (c) and 7 (g) of said Act are satisfied and that no adverse findings are necessary under section 7 (d) of said Act and being satisfied that the effective date of such declaration as amended should be advanced;

It is hereby ordered, Pursuant to said Rule U-8 and the applicable provisions of said Act subject to the terms and conditions prescribed in Rule U-9 that the aforesaid declaration as amended be and hereby is permitted to become effective forthwith.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 40–3511; Filed, August 22, 1940; 11:10 a. m.]

[File No. 70–139]

IN THE MATTER OF OGDEN CORPORATION

NOTICE REGARDING FILING SUBJECT TO RULE U-8

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 21st day of August, A. D. 1940.

Notice is hereby given that a declaration, has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by the above named party; and

Notice is further given that any interested person may, not later than September 7, 1940, at 1:00 P. M., E. S. T., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request and the nature of his interest, or may request that he be notified if the Commission should order a hearing thereon. At any time thereafter such declaration, as filed or as amended, may become effective or may be granted, as provided in Rule U-8 of the Rules and Regulations promulgated pursuant to said Act. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D. C.

All interested persons are referred to said declaration, which is on file in the office of said Commission, for a statement of the transactions therein proposed, which are summarized below:

Ogden Corporation, a registered holding company, proposes to advance $5,000 on open account without interest to its subsidiary, Central States Utilities Corporation, also a registered holding company. Central States Utilities Corporation will use a portion of the funds so received to pay past due bills on hand and the balance thereof to pay operating expenses for the period ending June 30, 1941.

By the Commission.

FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 40–3510; Filed, August 22, 1940; 11:10 a. m.]

[File No. 70–141]

IN THE MATTER OF NEW BEDFORD GAS AND EDISON LIGHT COMPANY

NOTICE REGARDING FILING SUBJECT TO RULE U-8 PURSUANT TO PUBLIC UTILITY HOLDING COMPANY ACT OF 1935, SECTION 6 (B)

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 22nd day of August, A. D. 1940.

Notice is hereby given that an application has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by the above-named party; and

Notice is further given that any interested person may, not later than September 9, 1940, at 4:30 P. M., E. S. T., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request and the nature of his interest, or may request that he be notified if the Commission should order a hearing thereon. At any time thereafter such application, as amended, may become effective as provided in Rule U-8 of the Rules and Regulations promulgated pursuant to said Act. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D. C.

All interested persons are referred to said application which is on file in the office of said Commission for a statement of the transactions therein proposed, which are summarized below:

New Bedford Gas and Edison Light Company, a subsidiary of a registered holding company, proposes to borrow from The First National Bank of Boston the aggregate sum of $1,750,000 in such amounts and at such times as funds are required for the payment of bills incurred in connection with budgeted construction for the period from June 1, 1940, to December 31, 1941. Such advances are to be evidenced by notes payable to The First National Bank of Boston; all notes being dated as of the date of issuance but in all cases prior to January 1, 1942 and will mature on June 30, 1943 and are to bear interest at the rate of 2¼% per annum payable quarterly.

The application states that the proposed issuance and sale of these notes was authorized by the Commonwealth of Massachusetts Department of Public Utilities on June 26, 1940.

The applicant has designated section 6 (b) of the Act as applicable to the proceedings.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 40–3512; Filed, August 22, 1940; 11:10 a. m.]

[File No. 70–142]

IN THE MATTER OF CONSOLIDATED ELECTRIC AND GAS COMPANY AND THE SALEM GAS LIGHT COMPANY

NOTICE REGARDING FILING SUBJECT TO RULE U-8

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 2d day of August, A. D. 1940.

Notice is hereby given that a declaration or application (or both), has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by the above named party or parties; and

Notice is further given that any interested person may, not later than September 7, 1940, at 4:30 P. M., E. S. T., or 1:00 P. M., E. S. T., if such date be a Saturday, request the Commission in writing that a hearing be held on such matter, stating the reasons for such request and the nature of his interest, or may request that he be notified if the Commission should order a hearing thereon. At any time thereafter such declaration or application, as filed or as amended, may become effective or may be granted, as provided in Rule U-8 of the Rules and Regulations promulgated pursuant to said Act. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D. C.

All interested persons are referred to said declaration or application, which is on file in the office of said Commission, for a statement of the transactions therein proposed, which are summarized below:

Consolidated Electric and Gas Company, a registered holding company, proposes to surrender to its subsidiary, The Salem Gas Light Company, for cancellation, without any consideration therefor, certain notes aggregating $24,864 principal amount. It also proposes to surrender to The Salem Gas Light Company certain other notes aggregating $46,000 principal amount, and to accept in lieu thereof a like aggregate principal amount of new notes, to be dated January 1, 1940, to bear interest at the rate of 1% per annum, and to mature January 1, 1950.

The applicants have designated Sections 6 (b) and 10 (a) of the Act and Rules U-12C–1 and U-12D–1 as applicable to the proposed transactions.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 40–3515; Filed, August 22, 1940; 11:56 a. m.]